

EXHIBIT D

To: Culture Asia Partners USA, Inc. (stevehkim@gmail.com)
Subject: TRADEMARK APPLICATION NO. 77144713 - SPECTACULAR ASIAN LA - N/A
Sent: 7/13/2007 5:09:11 PM
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/144713

MARK: SPECTACULAR ASIAN LA

77144713

CORRESPONDENT ADDRESS:

CULTURE ASIA PARTNERS USA, INC.
CULTURE ASIA PARTNERS USA, INC.
4157 W 5TH ST STE 208
LOS ANGELES, CA 90020-4100

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

-

APPLICANT: Culture Asia Partners USA, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

stevehkim@gmail.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 7/13/2007

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: TEAS Plus applicants should submit the following documents using the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>: (1) written responses to Office actions; (2) preliminary amendments; (3) changes of correspondence address; (4) changes of owner's address; (5) appointments and revocations of attorney; (6) amendments to allege use; (7) statements of use; (8) requests for extension of time to file a statement of use, and (9) requests to delete a §1(b) basis. If any of these documents are filed on paper, they must be accompanied by a \$50 per class fee. 37 C.F.R. §2.6(a)(1)(iv) and 2.23(a)(i). Telephone responses will not incur an additional fee. NOTE: In addition to the above, applicant must also continue to accept correspondence from the Office via e-mail throughout the examination process in order to avoid the additional fee. 37 C.F.R. §2.23(a)(2).

The assigned examining attorney has reviewed the referenced application and determined the following.

No conflicting marks found

-

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Refusal – merely descriptive

Registration is refused because the proposed mark merely describes the applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §§1209 *et seq.*

A mark is merely descriptive under Section 2(e)(1) if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP §1209.01(b). A mark that describes an intended user of a product or service is also merely descriptive within the meaning of Section 2(e)(1). *See Hunter Publ'g Co. v. Caulfield Publ'g, Ltd.*, 1 USPQ2d 1996 (TTAB 1986); *In re Camel Mfg. Co.*, 222 USPQ 1031 (TTAB 1984).

Asian Lantern Festival is the apt descriptive name of the services. Note the two attached Internet articles about Asian Lantern Festivals. This is just a representative sampling of the numerous stories on the subject. "Spectacular" is a laudatorily descriptive term meaning in the nature of a spectacle; impressive or sensational. In the context of the proposed mark, "spectacular" merely touts the event as an impressive or sensational one.

For the purpose of a Section 2(e)(1) analysis, a term need not describe all of the purposes, functions, characteristics or features of the services to be merely descriptive. *In re Dial-a-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 U.S.P.Q.2d 1807 (Fed. Cir. 2001). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) ("[A] mark may be merely descriptive even if it does not describe the 'full scope and extent' of the applicant's goods or services.") (quoting *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)).

Laudatory terms, i.e., those terms that attribute quality or excellence to goods or services, are considered descriptive terms under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §1209.03(k). That is, laudatory terms, phrases and slogans are nondistinctive and unregistrable on the Principal Register without proof of acquired distinctiveness. *In re Nett Designs Inc.*, 236 F.3d 1339, 57 USPQ2d 1564 (Fed. Cir. 2001) (THE ULTIMATE BIKE RACK); *In re Boston Beer Co. L.P.*, 198 F.3d 1370, 53 USPQ2d 1056 (Fed. Cir. 1999) (THE BEST BEER IN AMERICA); *In re Dos Padres Inc.*, 49 USPQ2d 1860 (TTAB 1998) (QUESO QUESADILLA SUPREME); *In re Consolidated Cigar Co.*, 35 USPQ2d 1290 (TTAB 1995) (SUPER BUY); *General Foods Corp. v. Ralston Purina Co.*, 220 USPQ 990 (TTAB 1984) (ORIGINAL BLEND).

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

Once the applicant properly avers use in commerce, the application may be amended to the Supplemental Register with a disclaimer of "ASIAN LANTERN FESTIVAL" (because the wording aptly describes the services).

/Ira Goodsaid/
Ira Goodsaid
Trademark Examining Attorney
Law Office 101
571-272-9166

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office Action should be filed using the Office's Response to Office action form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

http://www.imdiversity.com/Villages/Asian/family_lifestyle_traditions/lunar_new_year/chinese_lantern_festival.asp
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Celebration of the Lantern Festival

Wrapping Up Lunar New Year Activities

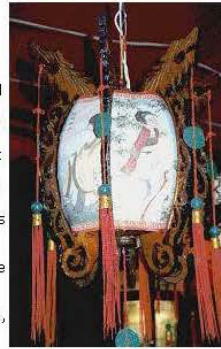
By the Chinese Culture Center of San Francisco

Falling on the 15th day of the first month of the Lunar Year, the Lantern Festival takes place under a full moon, and marks the end of Chinese New Year festivities. The Lantern Festival dates back to shrouded legends of the Han Dynasty over 2000 years ago.

- [Legend of the Lantern Festival's Origin](#)
- [The Modern Lantern Festival](#)
- [Yuan Xiao and Tang Yuan](#)

Legend of the Lantern Festival's Origin

In one such legend, the Jade Emperor in Heaven was so angered at a town for killing his favorite goose that he decided to destroy it with a storm of fire. However, a good-hearted fairy heard of this act of vengeance, and warned the people of the town to light lanterns throughout the town on the appointed day. The townsfolk did as they were told, and from the Heavens, it looked as if the village was ablaze. Satisfied that his goose had already been avenged, the Jade Emperor decided not to destroy the town. From that day on, people celebrated the anniversary of their deliverance by carried lanterns of different shapes and colors through the streets on the



Asian-American Village News

Ap Associated Press

- Clinton taps political clout of Indian Americans
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lanterns of different shapes and colors through the streets on the first full moon of the year, providing a spectacular backdrop for lion dances, dragon dances, and fireworks.

The Modern Lantern Festival

While the Lantern Festival has changed very little over the last two millennia, technological advances have made the celebration more and more complex and visually stimulating. Indeed, the festival as celebrated in some places (such as Taipei, Taiwan) can put even the most garish American Christmas decorations to shame. They often sport unique displays of light that leave the viewer in awe.

Master craftsman will construct multicolored paper lanterns in the likeness of butterflies, dragons, birds, dragonflies, and many other animals; these accentuate the more common, red, spherical lanterns. Brilliantly-lit floats and mechanically driven light displays draw the attention of the young and old alike. Sometimes, entire streets are blocked off, with lanterns mounted above and to the sides, creating a hallway of lamps. Some cities in North China even make lanterns from blocks of ice! And just as in days gone by, the billion-watt background sets the scene for dragon and lion dances, parades, and other festivities.

Yuan Xiao and Tang Yuan

Yuan Xiao and Tang Yuan are balls of glutinous rice, sometimes rolled around a filling of sesame, peanuts, vegetable, or meat. Tang Yuan are often cooked in red-bean or other kinds of soup. The round shape symbolizes wholeness and unity.




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You are in: [World Events Guide](#) > [Asian Lantern Festival](#)

Asian Lantern Festival, Auckland, New Zealand

01 Feb 2008 - 31 Mar 2008 *Date to be confirmed*

The Asian Lantern Festival – a moveable feast – takes place on the 15th day of the first month of the lunar year, and attracts crowds of up to 140,000 to Auckland's beautiful Albert Park. Hundreds of brightly coloured lanterns, commissioned and imported from China and Singapore, embellish the park throughout the festival. A succession of cultural events unfolds, including traditional music and theatrical performances. Delicious Oriental food satisfies the most demanding of appetites, and shoppers are tempted by a profusion of unusual gifts and household products at the many craft stalls. The festival forms part of the Chinese New Year celebrations, a tradition which the Chinese community shares with the people of Auckland and its visitors. The non-stop entertainment includes Dragon and Lion Dance Groups, and martial arts demonstrations

Times
Approximately 1700–2230

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<p>Where?</p> <p>Albert Park In city centre between Kitchener Street and Princes Street</p> <p>Getting There</p> <p>Foot: Albert Park is a short walk south of the Harbour</p> <p>How Much?</p> <p>Free</p> <p>For More Information</p> <p>Asia New Zealand Foundation (Private Reg 921119) Level 8 58 Symonds Street Auckland North Island New Zealand</p> <p>Tel +64 (0)9 368 1435 Email auckland@asianz.org.nz</p> <p>Website www.asianz.org.nz</p>	<p>Asian Lamps, Hanging Lamp Oriental furnishings Importer, Lamps at \$45. Free Shipping www.orientalfurnishings.co.uk</p> <p>Meet Gay Asian Hunks Find Local Gay Asian Hunks Near You. 100% Free. Join Now! www.GayAsianSingles.co.uk</p>
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NB: While every care has been taken to ensure the information provided is accurate, we advise you to check with the event organisers before travelling to confirm the details are correct.

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Dictionary Results

spectacular

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 Hear it (spĕk-tăk'yə-lər)

SPECTACULAR DEFINITION

adj.
Of the nature of a spectacle, impressive or sensational.

n.
Something that is spectacular, as:

- A single dramatic production of unusual length or lavishness.
- An elaborate display.

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10. An elaborate display.

SPECTACULAR SYNONYMS

adjective

Suggesting drama or a stage performance, as in emotionality or suspense: [dramatic](#), [histrionic](#), [histrionical](#), [melodramatic](#), [sensational](#), [theatric](#), [theatrical](#). *See* [excite](#), [style](#), [surprise](#)

SPECTACULAR DERIVATIVES

spectac·u·lar·i·ty (-lār'ī-tē) *n.*

spectac·u·lar·ly *adv.*

« [spectacled](#)

« [spectacle](#)

[spectate](#) »

[spectator](#) »

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To: Culture Asia Partners USA, Inc. (stevehkim@gmail.com)
Subject: TRADEMARK APPLICATION NO. 77144713 - SPECTACULAR ASIAN LA - N/A
Sent: 7/13/2007 5:09:11 PM
Sent As: ECOM101@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 7/13/2007 FOR
APPLICATION SERIAL NO. 77144713

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://portal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77144713&doc_type=OOA&mail_date=20070713 (or copy and paste this URL into the address field of your browser), or visit <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable [response time period](#). Your response deadline will be calculated from **7/13/2007**.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.
2. Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

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Mark: SPECTACULAR ASIAN LANTERN FESTIVAL

Spectacular Asian Lantern
Festival

US Serial Number: 77144713

Application Filing Date: Mar. 30, 2007

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 08, 2008

Date Abandoned: Jan. 14, 2008

Mark Information

Mark Literal Elements: SPECTACULAR ASIAN LANTERN FESTIVAL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Entertainment in the nature of Asian cultural festival

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Culture Asia Partners USA, Inc.

Owner Address: #208

4157 W. 5th St.
Los Angeles, CALIFORNIA UNITED STATES 90020

Legal Entity Type: CORPORATION

State or Country NEVADA
Where Organized:

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: CULTURE ASIA PARTNERS USA, INC.
CULTURE ASIA PARTNERS USA, INC.
4157 W 5TH ST STE 208
LOS ANGELES, CALIFORNIA UNITED STATES 90020-4100

Phone: (213) 384-3480

Fax: (213) 384-3173

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 08, 2008	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Feb. 08, 2008	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jul. 13, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 13, 2007	NON-FINAL ACTION E-MAILED	6325
Jul. 13, 2007	NON-FINAL ACTION WRITTEN	63030
Jul. 13, 2007	ASSIGNED TO EXAMINER	63030
Apr. 03, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: GOODSaid, IRA J

Law Office Assigned: LAW OFFICE 101

File Location

Current Location: TMEG LAW OFFICE 101 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Feb. 08, 2008



No assignment has been recorded at the USPTO

For Serial Number: **77144713**

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.6
Web interface last modified: August 25, 2017 v.2.6